

CHAPTER NO. 960**HOUSE BILL NO. 3776****By Representatives Rinks, Overbey****Substituted for: Senate Bill No. 3245**

By Senators Burchett, Crutchfield, Burks, Beavers, Black, Bowers, Bryson, Cooper, Crowe, Finney, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams, Woodson and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, Chapter 33, relative to sexual offenses committed against minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, chapter 13, Part 5, is amended by adding the following language as a new appropriately designated section thereto:

39-13-5

(a) Any conveyance or real or personal property used in the commission of an offense under this part, is subject to forfeiture under the provisions of title 40, Chapter 33, part 2; provided, however, that such offense is committed against a person under eighteen (18) years of age.

(b) Notwithstanding the provisions of §40-33-211, the proceeds from all forfeitures made pursuant to this section shall be transmitted to the general fund where there is hereby established a general fund reserve to be allocated through the general appropriations act, which shall be known as the Child Abuse Fund. Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(c) The general assembly shall appropriate, through the general appropriations act, 50 percent of the moneys from the Child Abuse Fund to the department of finance and administration for the Child Advocacy Center Fund to be used for child advocacy centers. Such appropriations shall be specifically earmarked for the purposes set out in section (d).

(d) All moneys appropriated from the Child Advocacy Center Fund shall be used exclusively by the department to provide grants to child advocacy centers that are incorporated as a not-for-profit organization, are tax-exempt under §501 of the Internal Revenue Code and that have provided child advocacy

services for at least six (6) months prior to the application for funds under this section. The commissioner of finance and administration shall promulgate rules and regulations in accordance with the uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the distribution and use of the grant funds provided by it. Such grants shall be for the purpose of providing funding for the continuation of existing programs and services, the creation of new programs and services and the training of personnel in child advocacy centers.

(e) The general assembly shall appropriate, through the general appropriations act, 25 percent of the moneys from the Child Abuse Fund to the department of finance and administration for the Court Appointed Special Advocate Fund. Such appropriations shall be specifically earmarked for the purposes set out in section (f).

(f) All moneys appropriated from the court Appointed Special Advocate Fund shall be used exclusively by the department to provide grants to court appointed special advocate programs that are incorporated as a not-for-profit organization, are tax-exempt under §501 of the Internal Revenue Code and that have provided court appointed special advocate services for at least six (6) months prior to the application for funds under this section. The commissioner of finance and administration shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the distribution and use of the grant funds provided by it. Such grants shall be for the purpose of providing funding for the continuation of existing programs and services, the creation of new programs and services and the training of personnel and volunteers in court appointed special advocate programs.

(g) The general assembly shall appropriate, through the general appropriations act, 25 percent of the moneys from the Child Abuse Fund to the department of finance and administration for the Child Abuse Prevention Fund. Such appropriations shall be specifically earmarked for the purposes set out in section (h).

(h) All moneys appropriated from the Child Abuse Prevention Fund shall be used exclusively by the department to provide a grant to Prevent Child Abuse Tennessee, provided that it is incorporated as a not-for-profit organization, is tax-exempt under §501 of the Internal Revenue Code and that it has provided child abuse prevention services for at least six (6) months prior to the application for funds under this section. The commissioner of finance and administration shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the distribution and use of the grant funds provided by it. Such grants shall be for the purpose of providing funding for the continuation of existing programs and services, the creation of new programs and services and the training of personnel to plan and carry out a comprehensive statewide child abuse prevention program that includes emphasis on primary and secondary prevention strategies and includes evaluation strategies to assess the effectiveness of prevention activities.

(i) All recipients of funding from the Child Abuse Fund and its subsidiary funds (Child Advocacy Centers Fund, Court Appointed Special Advocates Fund and Child Abuse Prevention Fund) shall collaborate with each other and also with

the department of children's services, the department of children's services' child abuse prevention advisory committee, the child sexual abuse task force established by Tennessee Code Annotated, 37-1-603(b)(1), the commission on children and youth, the governor's office of children's care coordination, and other appropriate state and local service providers in the planning and implementation of multi-disciplinary, multi-agency approaches to address child abuse, including primary, secondary and tertiary child abuse prevention, investigation and intervention in child abuse cases, and needed treatment and timely permanency for victims of child abuse.

(j) All recipients of funding from the Child Abuse Fund and its subsidiary funds (Child Advocacy Centers Fund, Court Appointed special Advocates Fund and Child Abuse Prevention Fund) shall report annually to the Senate General Welfare Committee, the House Children and Family Affairs Committee, the Select Committee on Children and Youth, and the Fiscal Review Committee regarding their use of Child Abuse Fund moneys, their collaborative efforts to address the spectrum of child abuse issues, and their recommendations for additional improvements in the child abuse prevention and response system in Tennessee.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 10, is amended by adding the following language as a new appropriately designated section thereto:

39-17-10_

(a) Any conveyance or real or personal property used in the commission of an offense under this part, is subject to forfeiture under the provisions of title 40, chapter 33, part 2.

(b) Notwithstanding the provisions of §40-33-211, the proceeds from all forfeitures made pursuant to this section shall be transmitted to the general fund where there is hereby established a general fund reserve to be allocated through the general appropriations act, which shall be known as the Child Abuse Fund. Moneys from the fund shall be expended to fund activities authorized by the Child Abuse Fund as set out in 37-13-5_. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

SECTION 3. Tennessee Code Annotated, section 40-33-211, is amended by adding the following new subsections:

(g)

(1) Notwithstanding the provisions of this section, the proceeds from all forfeitures of conveyances or real or personal property used in the commission of an offense under title 39, chapter 13, part 5, shall be transmitted to the general fund where there is hereby established a general fund reserve to be allocated

through the general appropriations act, which shall be known as the Child Abuse Fund. Moneys from the fund shall be expended to fund activities authorized by 39-13-5_. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(2) The general assembly shall appropriate, through the general appropriations act, moneys from the Child Abuse Fund to the department of finance and administration for the Child Abuse Fund. Such appropriations shall be specifically earmarked for the purposes set out in 39-13-5_.

(h)

(1) Notwithstanding the provisions of this section, the proceeds from all forfeitures of conveyances or real or personal property used in the commission of an offense under title 39, chapter 17, part 10, shall be transmitted to the general fund where there is hereby established a general fund reserve to be allocated through the general appropriations act, which shall be known as the Child Abuse Fund. Moneys from the fund shall be expended to fund activities authorized by 39-13-5_. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(2) The general assembly shall appropriate, through the general appropriations act, moneys from the Child Abuse Fund to the department of finance and administration for the Child Abuse Fund. Such appropriations shall be specifically earmarked for the purposes set out in 39-13-5_.

SECTION 4. Tennessee Code Annotated, Section 40-33-101, is amended by inserting the language "in the commission of an offense under title 39, chapter 13, part 5, or used" following the language "Any conveyance, including a vehicle, aircraft or vessel used" in the first sentence.

SECTION 5. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection:

(g)

(1) Notwithstanding the provisions of this section, the proceeds from all forfeitures of conveyances used in the commission of an offense under title 39, chapter 13, part 5, shall be transmitted to the general fund where there is hereby established a general fund reserve to be allocated through the general appropriations act, which shall be known as the Child Advocacy Center Fund.

Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(2) The general assembly shall appropriate, through the general appropriations act, moneys from the Child Advocacy Center Fund to the department of finance and administration. Such appropriations shall be specifically earmarked for the purposes set out in this section.

(3) All moneys appropriated from the Child Advocacy Center Fund shall be used exclusively by the department to provide grants to child advocacy centers that are incorporated as a not-for-profit organization, is tax-exempt under §501 of the Internal Revenue Code and that have provided child advocacy services for at least six (6) months prior to the application for funds under this section. The commissioner of finance and administration shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the distribution and use of the grant funds provided by it. Such grants shall be for the purpose of providing funding for the continuation of existing programs and services, the creation of new programs and services and the training of personnel in child advocacy centers.

SECTION 6. This act shall take effect July 1, 2006, the public welfare requiring it, and shall apply to offenses committed on or after that date.

PASSED: May 25, 2006



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 21st day of June 2006



PHIL BREDESEN, GOVERNOR